

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
READING DIVISION

IN RE: GERALD A. BENDER, SR.)
PATRICIA A. BENDER) CHAPTER 13
Debtor(s))
) CASE NO. 08-21193 (REF)
AMERICREDIT FINANCIAL SERVICES,)
INC.) HEARING DATE: **11-24-09 at 9:30 am**
Moving Party)
)
vs.) 11 U.S.C. 362
)
GERALD A. BENDER, SR.)
PATRICIA A. BENDER)
Respondent(s))
)
FREDERICK L. REIGLE)
Trustee)
)
)
)

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now AmeriCredit Financial Services, Inc. (“AmeriCredit”) filing this its Motion for Relief from the automatic stay (“Motion”), and in support thereof, would respectfully show:

1. That on June 4, 2008, Gerald and Patricia Bender filed a voluntary petition under Chapter 13 of the Bankruptcy Code.
2. This Court has jurisdiction of the Motion by virtue of 11 U.S.C. 105, 361 and 362 and 28 U.S.C. 157 and 1334.
3. On November 30, 2006, the debtor(s) entered into a retail installment contract for the purchase of a 2006 Hyundai Sonata bearing vehicle identification number 5NPEU46FX6H070839. The contract was assigned to AmeriCredit Financial Services, Inc. and the debtors became indebted to AmeriCredit in accordance with the terms of same. AmeriCredit Financial Services is designated as first lien holder on the title to the vehicle and holds a first

purchase money security interest in the vehicle. A true copy of the contract and title to the vehicle are annexed hereto as Exhibits A and B.

4. The debtors' account is past due from December 14, 2008 to October 14, 2009 with arrears in the amount of \$3662.31.

5. AmeriCredit Financial Services, Inc. alleges that the automatic stay should be lifted for cause under 11 U.S.C. 362(d)(1) in that AmeriCredit lacks adequate protection of its interest in the vehicle as evidenced by the following:

(a) The debtor is failing to make payments to AmeriCredit and is failing to provide AmeriCredit with adequate protection.

WHEREFORE PREMISES CONSIDERED, AmeriCredit Financial Services respectfully requests that upon final hearing of this Motion, (1) the automatic stay will be terminated as to AmeriCredit to permit AmeriCredit to seek its statutory and other available remedies; (2) that the stay terminate upon entry of this Order pursuant to the authority granted by Fed.R.Bank.P., Rule 4001(a)(3) and (3) AmeriCredit be granted such other and further relief as is just.

Respectfully submitted,

/s/ William E. Craig

William E. Craig

Morton & Craig LLC

110 Marter Avenue, Suite 301

Moorestown, NJ 08057

Phone: 856/866-0100, Fax: 856/722-1554

Attorney ID: 92329

Local Counsel for AmeriCredit Financial Services, Inc.